

HR 2-911

5 June 1971

MEMORANDUM FOR: Col. L. K. White

FROM: [REDACTED]

SUBJECT: Claim of Mr. [REDACTED]

1. Attached are (1) a copy of a memorandum dated 9 April addressed by the above claimant to the General Counsel, and (2) a copy of the memorandum dated 2 June addressed by Assistant General Counsel, [REDACTED], to [REDACTED].

2. In summary, the story is that Mr. [REDACTED] was going to [REDACTED] on a covert operation. His cover was blown and, at the last moment, he was pulled off the job. In the meantime, he had sold his household effects at a loss, this action having been taken on the basis of erroneous information given him that he could not store his goods at Agency expense.

3. I have checked with Mr. [REDACTED] who supports and endorses Mr. [REDACTED] claim.

4. Also, I have checked with Mr. [REDACTED] whose personal opinion is that the claim should be honored but who wrote his 2 June memorandum as a strictly legalistic reply after considerable consideration within his staff where the opinion prevailed (although it was not unanimous) that the General Counsel's office should restrict itself to that kind of answer.

5. In short, it appears that Mr. [REDACTED] has suffered a loss through no fault of his own. That is, neither the cause of the cancellation of his mission nor the erroneous information he was given was his fault.

6. As a matter of equity—as distinct from a strictly-interested legal position—I recommend that the claimant be reimbursed. I cannot believe that Agency regulations are so inflexible that a claim must be turned down on legalistic grounds when the facts in the case admittedly are reasonable. Such action, in my opinion, would be contrary to the best interests of the Agency.

7. As a point of incidental information, Mr. [REDACTED] attitude is quite reasonable. That is, he has made no indignant, vehement statements but, rather, explained that he came to the office of the Inspector General in an endeavor to find, if possible, a solution to an unfortunate situation.

8. It is my understanding that the Deputy Director (Administration) has the authority under [REDACTED] to sign off on small claims. The total of this claim is \$411.95.

9. In view of all the foregoing, I would appreciate it if, at our discretion, you would bring the present case to the attention of Mr. [REDACTED] with the recommendation that the claim be settled.

*Orig x 1 - add - I.G. File; 1 - Chrono.*